

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

THEODORE ANTHONY RENEAU,)	
)	
Petitioner, pro se,)	
v.)	
)	1:11CV148
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On February 28, 2011, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on the parties in this action, and a copy was given to the court.

Within the time limitation set forth in the statute, Pro Se Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that this action be **DISMISSED** *sua sponte* without prejudice to Petitioner filing a new petition after he has exhausted his state court remedies. Finding no substantial issue for appeal concerning the denial of a

constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

William L. Ostun, Jr.
United States District Judge

June 27, 2011